

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREAT LAKES TRANSPORTATION HOLDING,
LLC,

Plaintiff,

v.

Case No. 09-14854

DTW TAXI, and JAE BLUE,

Defendants.

ORDER AWARDING ATTORNEY'S FEES

After holding Defendant Jae Blue in contempt, the court “directed Plaintiff’s counsel, Jill M. Wheaton, to file a bill of costs with the court representing the reasonable attorney’s fees that have been incurred in seeking to enforce the Permanent Injunction.” (5/14/10 Order at 2.) On May 20, 2010, Plaintiff’s counsel filed a bill of costs, including an affidavit and various invoices to her client. Plaintiff’s counsel states that, in seeking to enforce the Permanent Injunction, she spent 9.2 hours at \$440 per hour and an associate at her firm spent 5.4 hours at \$325 per hour, for a total of \$5,803.00. Defendant Blue filed a response on May 25, 2010. He states that Plaintiff’s counsel previously in court estimated her fees to be \$2000.00 to \$3000.00, and he requests that the court order costs in the amount of \$2000.00.

“[A]n award of attorney’s fees is appropriate for civil contempt in situations where court orders have been violated.” *McMahan & Co. v. Po Folks, Inc.*, 206 F.3d 627, 634 (6th Cir. 2000) (citing *Redken Lab., Inc. v. Levin*, 843 F.2d 226 (6th Cir.1988)). “[A] reasonable hourly rate should be sufficient to encourage competent lawyers in the relevant community to undertake legal representation.” *Lamar Adver. Co. v. Charter*

Twp. of Van Buren, 178 F. App'x 498, 501 (6th Cir. 2006). A reasonable hourly billing rate is generally calculated according to the prevailing market rates in the relevant community. *Blum v. Stenson*, 465 U.S. 886, 897 (1984). “[T]he burden is on the fee applicant to produce satisfactory evidence-in addition to the attorney’s own affidavits-that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation.” *Id.* at 896 n.11.

Plaintiff seeks to recover attorney fees for hourly rates ranging from \$325 to \$440 per hour for 14.6 hours of work. The court finds the time and labor expended to be reasonable. However, based on the nature and circumstances of this case, the court finds a rate of \$250 per hour to be more “in line with those prevailing in the community” for this type of litigation. *Blum*, 465 U.S. at 897. Additionally, a rate of \$250 per hour is comparable to other fee awards granted in this district. *See Andrews v. Prudential Ins. Co. of Am.*, No. 08-14391, 2010 WL 1257784 (E.D. Mich. Mar. 29, 2010) (finding reasonable hourly rate of \$250); *Jackson v. Butler*, No. 09-CV-10779, 2009 WL 5217675 (E.D. Mich. Dec. 29, 2009) (same); *148133 Canada, Inc. v. Global Gallery, Inc.*, No. 08-14343, 2009 WL 3270507 (E.D. Mich. Oct. 5, 2009) (same); *Darbyshire v. Garrison*, No. 04-72272, 2006 WL 581032 (E.D. Mich. Mar. 8, 2005) (finding reasonable hourly rates of \$200 and \$250). Therefore, Defendant Blue shall be responsible for paying \$3650.00 of Plaintiff’s attorney’s fees (14.6 hours at \$250 per hour).

Accordingly,

IT IS ORDERED that Defendant Jae Blue shall pay to Plaintiff \$3650.00, representing the reasonable attorney’s fees that Plaintiff has incurred as a result of

Defendant's noncompliance. Payments shall be made in the amount of at least \$100 per week, in the care of Jill M. Wheaton, Dykema Gossett, 2723 S. State Street, Suite 400, Ann Arbor, MI 48104-6188.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 8, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 8, 2010, by electronic and/or ordinary mail.

s/Deborah J. Goltz for Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522